

BEFORE THE
COMMISSION'S SECRETARY, OFFICE OF THE SECRETARY
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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AUG 13 2004

In the Matter of)	
)	
Amendment of Section 73.622(b))	
Table of Allotments)	MB Docket No. 04-188
Digital Television Broadcast Stations)	RM-9880
(Glendive, Montana))	

Federal Communications Commission
Office of Secretary

To: Commission's Secretary, Office of the Secretary
Attn: Chief, Video Division
Media Bureau

MOTION FOR LEAVE TO ACCEPT COMMENTS

Glendive Broadcasting Corporation ("Glendive"), licensee of television station KXGN-TV, NTSC Channel 5, Glendive, Montana, by its counsel, and pursuant to Section 1.41 of the Commission's Rules hereby respectfully requests that the attached Comments be incorporated into the above-referenced docket. These Comments were previously submitted to the Commission in response to the Commission's Notice of Proposed Rule Making ("NPRM"), *In the Matter of Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Glendive, Montana)*, MM Docket No. 04-188, DA 04-1348 (released May 24, 2004). As demonstrated by the date-stamp on the attached document, these Comments were timely filed with the Commission in paper on July 15, 2004, however, the Comments were not associated

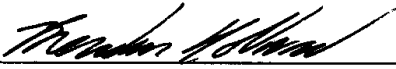
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with the above-referenced docket. Accordingly, Glendive respectfully requests that the Commission accept these Comments and consider them to be timely filed in this proceeding.

Respectfully submitted,

GLENDIVE BROADCASTING CORPORATION

By: 
David D. Oxenford
Brendan Holland

Its Attorneys

SHAW PITTMAN LLP
2300 N Street, N.W.
Washington, D.C. 20037-1128
(202) 663-8000

Dated: August 13, 2004

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of)

Amendment of Section 73.622(b))

Table of Allotments)

Digital Television Broadcast Stations)

(Glendive, Montana))

MB Docket No. 04-188

RM-9880

RECEIVED - FCC

To: Chief, Video Services Division

JUL 15 2004

COMMENTS

Federal Communication Commission
Bureau / Office

Glendive Broadcasting Corporation ("Glendive"), licensee of television station KXGN-TV, NTSC Channel 5, Glendive, Montana, by its counsel, hereby submits its Comments in response to the Commission's Notice of Proposed Rule Making ("NPRM"), *In the Matter of Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations (Glendive, Montana)*, MM Docket No. 04-188, DA 04-1348 (released May 24, 2004). As stated in its Petition for Rulemaking,¹ Glendive fully supports the channel substitution proposal as set out below and in the NPRM:

City

Channel No.

Current

Proposed

Glendive, Montana

15

10

If the above channel substitution proposal is granted, Glendive will, as stated in its Petition for Rulemaking, promptly file the appropriate application for minor modification of

¹ The facts and comments submitted in Glendive's Petition for Rulemaking are hereby incorporated by reference.

KXGN-TV seeking an initial DTV construction permit for authority to operate on DTV Channel 10 at Glendive with facilities consistent with those specified in the engineering material filed with its Petition for Rulemaking, and, if authorized, will construct the facilities contemplated therein and place the station into operation. The substitution of DTV Channel 10 in lieu of DTV Channel 15 in the DTV Table will enable KXGN-TV to broadcast more efficiently and better serve its community of license. Accordingly, the proposed DTV channel substitution is in the public interest, and Glendive respectfully requests that the Commission adopt the proposed changes to the DTV Table of Allotments.

In addition, consistent with the requirements of Section 1.52 of the Commission's Rules and the NPRM,² attached hereto is an affidavit on behalf of Glendive verifying that the statements contained in its initial Petition for Rulemaking are accurate to the best of the petitioner's knowledge.

Respectfully submitted,

GLENDIVE BROADCASTING CORPORATION

By: 

David D. Oxenford
Brendan Holland

Its Attorneys

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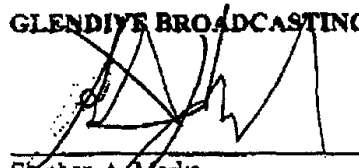
Dated: July 15, 2004

² See NPRM at footnote 1.

DECLARATION

I, Stephen A. Marks, President of Glendive Broadcasting Corporation, licensee of KXGN-TV, Glendive, Montana, hereby declare under penalty of perjury that I have reviewed Glendive's Petition for Rule Making, submitted to the FCC on October 28, 1999, proposing the substitution of DTV Channel 10 for DTV Channel 15 at Glendive, Montana, and, except for (a) matters cited therein contained in the FCC's records, (b) matters for which other support is provided, and (c) matters of which the Commission may take official notice, the statements contained therein are true and correct to the best of my personal knowledge and belief.

GLENDIVE BROADCASTING CORPORATION


Stephen A. Marks
President

Dated: July __, 2004

CERTIFICATE OF SERVICE

I, Rhea Lytle, a secretary with the law firm of Shaw Pittman LLP, hereby certify that a copy of the foregoing "COMMENTS" were served via hand delivery on this 15th day of July, 2004 to the following:

Ms. Barbara A. Kreisman
Chief, Video Services Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A666
Washington, D.C. 20554

Ms. Pam Blumenthal
Media Bureau
Federal Communications Commission
445 12th Street, S.W., Room 2-A860
Washington, D.C. 20554



Rhea Lytle